

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

John Dewan Smallwood

Case No: 4:12-CR-52-1BR

USM No: 43637-019

Date of Original Judgment: September 5, 2012

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

G. Alan DuBois

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of 78 months **is reduced to** 63 months.

The sentence in Count 2 remains 60 months, consecutive, resulting in a total sentence of 123 months.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated September 5, 2012 shall remain in effect. **IT IS SO ORDERED.**

Order Date: 8/19/2015



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Effective Date: November 1, 2015
(if different from order date)

W. Earl Britt, Senior U.S. District Judge
Printed name and title